

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

STANDING HEARING OFFICER DIRECTIVE

DOCKET NO. 2014-81-S

APRIL 11, 2014

Standing Hearing Officer: David Butler

DOCKET DESCRIPTION:

Application of Threatt Enterprises, Incorporated for the Establishment of Rates and Charges for the Provision of Sewer Services (Quail Haven Subdivision)

MATTER UNDER CONSIDERATION:

Partial Waiver of Application Requirements

STANDING HEARING OFFICER'S ACTION:

Partial waiver of Application requirements is granted. A review of the record reveals that when Threatt Enterprises, Incorporated (the Company) first filed its Application, it included a waiver request for certain items required by 10 S.C. Code Ann. Regs. 103-512.4B, which sets out the requirements for the filing of an Application to establish a new sewer system for regulation purposes. It initially appeared to the Commission Staff that the Company had furnished all required materials, which was communicated to the Company and the Office of Regulatory Staff (ORS). As a result, the Company withdrew its partial waiver request. However, a closer examination of the materials submitted by ORS revealed that the Application did not contain a copy of the Department of Health and Environmental Control (DHEC) construction permit for the original phase of the sewer system, which is required pursuant to 10 S.C. Code Ann. Regs. 103-512.4.B.4, although the Application did contain a copy of the DHEC construction permit for the second phase of the sewer system. ORS indicates that it has no problem with the missing construction permit, because the Application did contain the DHEC operating permits for both phases of the sewer system project. Also, as pointed out by ORS, the Application does not contain the statement by a professional engineer for the second phase of the sewer system, as required by 10 S.C. Code Ann. Regs. 103-512.4.B.11. However, ORS notes that reference is made in the operating permit issued by DHEC that a Professional Engineer signed a letter of compliance for the construction of the second phase of the sewer system project. Since the operating permit for that phase was approved, ORS suggests that there was a satisfactory compliance letter furnished to DHEC. Accordingly, ORS states that it has no issue, should the Commission choose to waive 10 S.C. Code Ann. Regs. 103-512.4.B.4 and

103-512.4.B.11 for the specific items delineated by ORS. The Company has indicated that it agrees with ORS, and has therefore effectively reinstated its partial waiver request, but the request is modified to comport with the regulations cited by ORS.

10 S.C. Code Ann. Regs. 103-501.3 states in part that where circumstances indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rules or regulations may be waived by the Commission upon a finding by the commission that such waiver is not contrary to the public interest. Clearly, under the scenario recited above, the circumstances appear appropriate for waiver of the two regulations, and the waiver is not contrary to the public interest. In the case of 10 S.C. Code Regs. 103-512.4.B.4, even though the construction permit for the original phase of the sewer system is missing, the DHEC operating permits for both phases of the system have been furnished. Second, in the case of S.C. Code Regs. 103-512.4.B.11, ORS notes that it is fair to assume that the required compliance letter from the Professional Engineer exists, since the operating permit was approved by DHEC. Accordingly, because of these circumstances, and because waiver would not be contrary to the public interest, waiver of the two regulations is granted, and therefore, the partial waiver of Application requirements is granted as noted.